

OCT 10 2008

FACSIMILE COVER SHEET

The Law Offices of
STRAUB & POKOTYLO

788 Shrewsbury Ave.
Tinton Falls, NJ 07724

Telephone: 732-936-1400
Facsimile: 732-936-1401
Internet site: www.sp-ip.com

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From: **Michael P. Straub, Esq.**

Date: **October 10, 2008**

Number of Pages Including Cover: **7**


MESSAGE: **FORMAL SUBMISSION OF:**
1) Fee transmittal; and
2) Election

Attorney Docket No.: **HA-HSS-1 (HAL-ID HAL COM 002)**
Appl. No.: **10/760,172**
Applicant: **James Charles Wilson**
Filed: **January 16, 2004**
Title: **PORTABLE ELECTRONIC DATA STORAGE AND RETRIEVAL SYSTEM FOR GROUP DATA**
TC/A.U.: **2145**
Examiner: **Tanim M. Hossain**

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October 10, 2008
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Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2008

Effective 09/30/2007. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	10/760,172
Filing Date	January 16, 2004
First Named Inventor	James Charles Wilson
Examiner Name	Tanim M. Hossain
Art Unit	2145
Attorney Docket No.	HA-HSS-1 (HAL-ID HAL COM 002)

METHOD OF PAYMENT (check all that apply)

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Deposit Account Name	Straub & Pokotylo

The Commissioner is authorized to: (check all that apply)

☒ Charge any fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) due in connection with the filing submitted herewith☐ Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH & EXAMINATION FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
1090	545	Utility fee	
460	230	Design fee	
720	360	Plant fee	
1520	780	Reissue fee	
220	110	Provisional fee	
SUBTOTAL (1)			(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-35** =	X \$2.00 =	
Multiple Dependent	-3** =	X 220.00 =	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 52	2202 26	Claims in excess of 20
1201 220	2201 110	Independent claims in excess of 3
1203 390	2203 195	Multiple dependent claim, if not paid
1204 220	2204 110	**Reissue independent claims over original patent
1205 52	2205 26	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 130	2251 65	Extension for reply within first month	
1252 490	2252 245	Extension for reply within second month	
1253 1,110	2253 555	Extension for reply within third month	
1254 1,730	2254 865	Extension for reply within fourth month	
1255 2,350	2255 1,175	Extension for reply within fifth month	
1401 540	2401 270	Notice of Appeal	
1402 540	2402 270	Filing a brief in support of an appeal	
1403 1,080	2403 540	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 540	2452 270	Petition to revive - unavoidable	
1453 1,620	2453 810	Petition to revive - unintentional	
1501 1,510	2501 755	Utility issue fee (or reissue)	
1502 860	2502 430	Design issue fee	
1503 1,180	2503 595	Plant issue fee	
Petitions to the Commissioner - check fee sheet			
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 810	2809 405	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 810	2810 405	For each additional invention to be examined (37 CFR 1.129(b))	
1801 810	2801 405	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
* Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Name (Print/Type)	Michael P. Straub	Registration No. (Attorney/Agent)	36,941	Telephone	(732) 936-1400
Signature	<i>Michael P. Straub</i>	Date	October 10, 2008		

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OCT 10 2008

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Attorney Docket No.: HA-HSS-1 (HAL-ID HAL COM 002)

Applicants: James Charles Wilson

Serial No.: 10/760,172

Filing Date: January 16, 2004

Title: PORTABLE ELECTRONIC DATA STORAGE AND RETRIEVAL
SYSTEM FOR GROUP DATA

Examiner: Tanim M. Hossain

Group Art Unit: 2145

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

Response to Restriction

This response is in reply to the Election/Restriction
mailed on September 23, 2008.

In the response, Applicants elect to prosecute the
claims of Group I, claims 1-14 at this time. **This election
is made with traverse.** Applicants request that the
Examiner reconsider and withdraw the restriction given the
great similarity between the claims and the fact that a
single search should be sufficient to review all the three
independent claims in the case. Given the similarity
between the claims, considering the claims together does
not place any undue burden on the Examiner which would
justify the restriction requirement. This is particularly
the case given that the original claims were already
searched without a restriction requirement being imposed
and at this stage the Examiner should merely have to
supplement the previously conducted search. There is no
reason the apparatus recited in independent claim 1 should

not be reviewed along with independent method claim 17 which includes features which are expressed as method steps but which are closely related to the features recited in apparatus claim 1.

Since a single search should be possible for all the claims, examination of the claims in a single application does not create any undue burden on the Examiner that would make the Restriction appropriate.

The Examiner has restricted out each independent claim arguing that they each belong to a different claim group. The similarity between the independent claims and thus claim Groups is evident from a comparison of each of the independent claims.

Independent Claim 1 of Group I recites:

A portable device comprising:

a memory including stored information corresponding to a plurality of individuals who form a group, the memory including:

a plurality of data sets, said plurality of data sets including:

i) a plurality of individual member information data sets, each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member;

ii) a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information and appointment information; and

iii) access control information, said access control information including

information being used to limit the amount of access different entities are provided to the content of said plurality of data sets, the amount of access provided by said access control information depending on at least one of the identity of an entity and a type of service to be provided by an entity; a device interface for providing an external device access to information stored in said memory; and a security module for limiting access to the stored information via said device interface in accordance with the access control information included in said memory.

Group II, Independent claim 17 recites:

A method of operating a portable device including a memory and a device interface to implement a method, the method comprising:
storing in the memory of the portable device information, at least some of said information corresponding to members of a group, information stored in said memory including a plurality of data sets, said plurality of data sets including:
i) a plurality of group member information data sets, each group member information data set corresponding to a different individual member of said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member; and
ii) a group data set, the group data set including information corresponding to a plurality of members of said group, at least some information in said group data set being aggregated from multiple group member information data sets; and
restricting different entities from getting access to different portions of the information stored on the memory through said device interface thereby providing different entities different levels of access to said plurality of data sets.

Group III, Independent claim 17 recites:

A portable data storage device for communicating information corresponding to a plurality of members of a group, comprising:

a memory, the memory including a plurality of data sets, said plurality of data sets including:

- i) **a plurality of individual member information data sets,** each individual member data set corresponding to a different individual member in said group and including at least one of medical information, nutritional information, insurance information, financial information and appointment information specific to the individual group member;
- ii) **a group data set, the group data set including information corresponding to a plurality of members of said group,** at least some information in said group data set being aggregated from multiple group member information data sets, said group data set including aggregated information corresponding to at least one of medical information, nutritional information, insurance information, financial information and appointment information; and
- iii) **access control information, said access control information including information used to limit the amount of access different entities are provided to the content of said plurality of data sets,** the amount of access provided by said access control information depending on at least

one of the identity of an entity and a type of service to be provided by an entity;
a device interface for providing an external device access to information stored in said memory; and
a security means for limiting access to the stored information via said device interface in accordance with the access control information included in said memory; and
wherein said portable data storage device is a smart card.


Given the similarity of the claims, as can be seen from a review of the claims and the features indicated in bold, withdrawal of the restriction requirement is requested.

Conclusion

Group I is elected with traverse for the reasons discussed above. Reconsideration of the restriction requirement is requested.

Respectfully submitted,

October 10, 2008

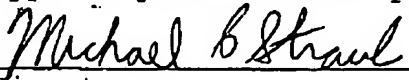

Michael P. Straub, Attorney
Reg. No. 36,941
Tel.: (732) 936-1400

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